

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRACY HUA, <i>et al.</i>	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 17-1457
	:	
LEHMAN XS TRUST MORTGAGE	:	
PASS-THROUGH CERTIFICATES,	:	
SERIES 2007-7N, U.S. BANK	:	
NATIONAL ASSOCIATION, AS	:	
TRUSTEE <i>et al.</i>	:	

ORDER

AND NOW, this 25th day of September 2017, upon considering Defendants' Motion to Dismiss (ECF Doc. No. 7), Plaintiff's response (ECF Doc. No. 19), Defendants' Reply (ECF Doc. No. 20) and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion to dismiss (ECF Doc. No. 7) is **GRANTED**:

1. Counts I, II, III and VI are **dismissed with prejudice**; and,
2. Counts IV and V (breach of contract and racketeering) are **dismissed without prejudice** to the Plaintiffs filing an amended complaint on or before **October 10, 2017** addressing conduct after the 2014 state court judgment and not barred by *res judicata* consistent with our accompanying Memorandum and Fed.R.Civ.P. 11.



KEARNEY, J.